SUBJECT No. 63.

Empowering Sub-Divisional Magistrates to entertain appeals against the judgments of the 2nd and 3rd Class Magistrates.

Messrs. Padmanna and Venkatasamiah, Nanjangud taluk.

Summary of discussion.—Now, Sub-Divisional Magistrates dispose of only such of the criminal appeals as are referred to them by the District Magistrates. They may be empowered to entertain appeals against the judgments of the 2nd and 3rd Class Magistrates of their Sub-Divisions.

The members explained the difficulties in obtaining bail especially when the appellant is undergoing sentence.

Reply of Government.—Noted.

SUBJECT No. 64.

Return of documents filed in civil courts.

Mr. C. Narasimiah, Mysore District Board.

Summary of discussion.—After the disposal of civil cases, the files are sent to the Central Records. Parties desirous of taking back the documents in such cases, have to apply for return of documents in the original court in which they are produced. To avoid delay, inconvenience and additional labour it is prayed that the Central Record-keeper may be authorized to return such documents.

Mr. B. Narasinga Rao opposed the suggestion.

Reply of Government.—Let the present rule continue to be in force.

SUBJECT No. 65.

Sending up of civil court records to the Central Records.

Messrs. M. L. Narasimhachar, Hassan District Board, K. Ramanna, Hole-Narsipur taluk.

Summary of discussion.—There is only one Central Record room for a Division consisting of many courts of civil jurisdiction. Within six months from the date of final order, records are to be sent up by the Munsiffs' courts to the Central Record room which is located in a different place from that of the Munsiffs' court. Parties applying for copies of decrees or proceedings, usually go to the Munsiffs' court, but when the records have been sent to the Central Records they will have to wait for a long time to get copies, etc. Pray therefore that Government may be pleased to order that disposed-of records be sent up to the Central Record room only after at least one year from the date of disposal of each case. This would be a great help to the litigant parties.

Reply of Government.—Impracticable.

SUBJECT No. 66.

Delay in furnishing references from the Central Records.

Messrs. Girmaji Rao, Chikramanna, Byregowda and Gidde Gowda, Kolar taluk.

Summary of discussion.—Requisitions from courts, as well as from parties are not being promptly attended to by the authorities of the Central Records. This causes the courts to adjourn cases and thus the parties are put to much inconvenience and trouble. Suitable orders may kindly be issued to the authorities concerned to supply references in time.

Reply of Government.—The representation will be referred to the Chief Court.

SUBJECT No. 67.

Preservation of records in civil and criminal cases.

Messrs. Kodandarama Setty, Suryanarayana Rao and Nanjappa, Tumkur taluk.

Summary of discussion.—According to the standing orders, documents and other references and depositions of witnesses filed as exhibits by parties are destroyed after they are preserved for three years. As copies of these

records are required by parties on a large scale, the period prescribed now is very short. Hence the period of three years may be extended to six years.

Reply of Government.—The rules which in civil cases provide for a period of 12 years and in criminal cases for 20 years in regard to documents in sessions and warrant cases and 5 years in summons cases were explained to the members.

SUBJECT No. 68.

Small Cause and Original Cases to be entertained in different courts.

Mr. H. Venkatachaliengar, Yedatore taluk.

Summary of discussion.—Under the existing system the District Judge's court has jurisdiction over certain original and appeal cases, while the Principal and Additional Munsiffs' and Sub-Judges' courts are empowered to entertain original and small cause cases. This arrangement of giving jurisdiction over both the original and small cause cases in these courts retards disposal of the latter and often entails 2 or 3 adjournments to the great inconvenience and loss to the parties concerned. Pray that small cause cases alone be made to be entertained in a particular court and the original cases alone in another, or a separate court be established for the disposal of small cause cases only.

Reply of Government.—Cannot be done.

SUBJECT No. 69.

A paid typist as copyist.

Messrs. M. L. Narasimha Char, Hassan District Board, and K. Ramanna, Hole-Narsipur taluk.

Summary of discussion.—The parties and other people require the civil courts to prepare legibly and deliver to them the copies of decrees, judgments or other proceedings. Each civil court expects to collect Rs. 60 to Rs. 100 or more a month. According to the order issued on the subject, the judges of the courts in appointing the copyists ought to give preference to candidates who are trained to type. If the judges are definitely authorised to exercise their discretion to appoint or select a candidate who can buy a typewriter at his own cost and do the work of a copyist when the maximum income of Rs. 25 a month is guaranteed, the parties will have more legibly written copies than at present. It is therefore prayed that in addition to one or two vernacular copyists who get their remuneration according to the copies they prepare and an examiner, one English-knowing copyist, who knows typing, may also be appointed by the judges as suggested above.

Reply of Government.—Will be enquired into.

SUBJECT No. 70.

Custody of prisoners.

Mr. B. Usmankhan, Bangalore City Municipality.

Summary of discussion.—Prays that prisoners under remand may be retained in Police custody from 6 A.M. to 5 P.M., and afterwards transferred to district or taluk lock-ups.

Messrs. Amble Anniah Pandit, Hanumappa, Vasudeva Rao and C. Srinivasa Rao, supported the suggestion.

Reply of Government.—Noted.